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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 * * *

7 MICHAEL T. MOORE,
8 Plaintiff,

9 v.

10 LAS VEGAS METROPOLITAN POLICE
11 DEPARTMENT, et al.,
12 Defendants.

Case No. 2:17-cv-02022-RFB-NJK

**ORDER ADOPTING REPORT &
RECOMMENDATION OF
MAGISTRATE JUDGE NANCY KOPPE**

13
14 **I. INTRODUCTION**

15 Before the Court for consideration is the Report and Recommendation of the Honorable
16 Nancy Koppe, United States Magistrate Judge, entered June 14, 2018. (ECF No. 17). For the
17 reasons discussed below, the Report and Recommendation is adopted in full.

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19 **II. DISCUSSION**

20 A district court “may accept, reject, or modify, in whole or in part, the findings or
21 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). A party may file specific
22 written objections to the findings and recommendations of a magistrate judge. Id. § 636(b)(1);
23 Local Rule IB 3-2(a). When written objections have been filed, the district court is required to
24 “make a de novo determination of those portions of the report or specified proposed findings or
25 recommendations to which objection is made.” 28 U.S.C. § 636(b)(1).

26 The Plaintiff has filed an “Objection” [ECF No. 20] to the Report filed in this case. In his
27 Objection, Plaintiff focuses on his disagreement with the Court’s Order [ECF No. 16] denying his
28 Motion for Recusal. He does not substantively respond to the Report’s legal conclusions or the

1 Report's finding that he has not filed an appropriate amended complaint as directed by the Court's
2 April 6, 2018 Order [ECF No. 10].

3 The Court concurs with Report and finds that the Plaintiff has not filed an appropriate
4 amended complaint as directed by the Court. The Court further finds that the Plaintiff has not
5 addressed in his subsequent filings the deficiencies identified in his earlier amended complaint. A
6 court may dismiss an action, with prejudice, based on a party's failure to prosecute an action,
7 failure to obey a court order, or failure to comply with local rules. Ghazali v. Moran, 46 F.3d 52,
8 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); Ferdik v. Bonzelet, 963 F.2d
9 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment
10 of complaint); The Plaintiff has not complied with the Court's April 6 Order requiring him to
11 file a cognizable amended complaint. This case must therefore be dismissed for Plaintiff's failure
12 to comply with the Court's prior order and for not filing an amended complaint which would
13 establish this Court's jurisdiction.

14 The Court further finds that the Plaintiff's repeated motions/filings [ECF Nos. 11, 19, and
15 21] to recuse the magistrate judge in this case were properly rejected. The Court finds that the
16 Plaintiff's assertion of bias derives from his disagreement with the magistrate judge's rulings in
17 this case. Such disagreement with prior rulings cannot serve as a basis for recusal. United States
18 v. Studley, 783 F.2d 934, 939 (9th Cir. 1986).

19 20 **III. CONCLUSION**

21 Accordingly,

22 **IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 17) is
23 ADOPTED in full. This case is DISMISSED without prejudice. All outstanding motions are
24 DENIED as moot. The Clerk of Court is ordered to close this case.

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26 DATED this 6th day of March, 2019.



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28 **RICHARD F. BOULWARE, II**
UNITED STATES DISTRICT JUDGE